

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Ronda A. Mettey	:	
	:	
Plaintiff,	:	CASE No. <u>C-1-02 398</u>
vs.	:	
	:	Judge Spiegel
American Family Mutual Insurance	:	
Company, et al	:	Magistrate
	:	
Defendants.	:	PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF COMPUTER TAPE PRINTOUT, SURVEY, INSURANCE APPLICATION, MEMORANDUM IN SUPPORT

Plaintiff by her undersigned attorney moves for an order compelling Defendants to provide Plaintiff with a print-out of a the computer tape in Defendants' possession, and with a copy of a survey submitted by Plaintiff to Defendant, a copy of an insurance application for a member of Richard Robinson's household and Richard Robinson's district meeting agendas.

/s/ John A. Rebel
John A. Rebel (0031771)
Attorney for Plaintiff
McKinney & Namei
15 E. 8th St.
Cincinnati, Ohio 45202
(513) 721-0200
Fax: 513- 632-5898
jarebel@fuse.net

MEMORANDUM IN SUPPORT

During January 2004, Plaintiff delivered to Defendant a computer tape with the understanding that it would be reviewed and data printed and shared. Plaintiff's attorney, on March 15, 2004, viewed the tape. On numerous subsequent occasions he requested print-outs of certain files. Defendants have failed to provide copies of the files. The files evidence the nature and volume of services that Plaintiff performed. The files contain calendars and notes. These files are essential to Plaintiff's responding to the Motion for Summary Judgment. A few additional documents were requested but not provided: a survey submitted by Plaintiff, a copy of an insurance application for a member of Richard Robinson's household and copies of agendas for Richard Robinson's district sales meetings.

Plaintiff's reason for not filing the Motion to Compel before the discovery cut-off date is that settlement had seemed likely. A Motion to Extend Discovery time has been filed. The print-out of the computer tape is essential to Plaintiff's case and her response to the Motion for Summary Judgment. Plaintiff's attorney's Affidavit is being filed.

/s/ John A. Rebel
John A. Rebel (0031771)
Attorney for Plaintiff

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing Motion is served upon Geraldine Johnson, Attorney for Defendants, by ordinary mail and electronic transmission to Roetzel & Andress, 250 E. 5th Street, Suite 310, Cincinnati, Ohio, 45202 on this 6th day of August 2004.

/s/ John A. Rebel
John A. Rebel (0031771)
Attorney for Plaintiff